

REFERENCE TITLE: **civil penalties; seat belt violations**

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HB 2676

Introduced by
Representatives Lopez, Bradley, Lujan, Pancrazi, Prezelski: Alvarez,
Campbell CH, Garcia M, Miranda B, Rios P, Schapira, Thrasher, Tom, Ulmer,
Senator Soltero

AN ACT

AMENDING SECTIONS 28-909 AND 28-2010, ARIZONA REVISED STATUTES; AMENDING
TITLE 36, CHAPTER 24, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION
36-2356; RELATING TO VEHICLE RESTRAINTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 28-909, Arizona Revised Statutes, is amended to
3 read:

4 28-909. Vehicle restraints required; exceptions; civil penalty

5 A. Each front seat occupant of a motor vehicle that is designed for
6 carrying ten or fewer passengers, that is manufactured for the model year
7 1972 and thereafter and that is required to be equipped with an integrated
8 lap and shoulder belt or a lap belt pursuant to the federal motor vehicle
9 safety standards prescribed in 49 Code of Federal Regulations section 571.208
10 shall either:

11 1. Have the lap and shoulder belt properly adjusted and fastened while
12 the vehicle is in motion.

13 2. If only a lap belt is installed where the occupant is sitting, have
14 the lap belt properly adjusted and fastened while the vehicle is in motion.

15 B. The operator of a motor vehicle that is designed for carrying ten
16 or fewer passengers, that is manufactured for the model year 1972 and
17 thereafter and that is required to be equipped with an integrated lap and
18 shoulder belt or a lap belt pursuant to the federal motor vehicle safety
19 standards prescribed in 49 Code of Federal Regulations section 571.208 shall
20 require each passenger under sixteen years of age to either:

21 1. Have the lap and shoulder belt properly adjusted and fastened while
22 the vehicle is in motion.

23 2. If only a lap belt is installed where the passenger is sitting,
24 have the lap belt properly adjusted and fastened while the vehicle is in
25 motion.

26 C. A peace officer shall not stop or issue a citation to a person
27 operating a motor vehicle on a highway in this state for a violation of this
28 section unless the peace officer has reasonable cause to believe there is
29 another alleged violation of a motor vehicle law of this state.

30 D. If a person is found responsible for a civil traffic violation
31 under this section, a department or agency of this state shall not consider
32 the violation for the purpose of determining whether the person's driver
33 license should be suspended or revoked. A court shall not transmit abstracts
34 of records of violations of this section to the department.

35 E. An insurer shall not consider a civil traffic violation under this
36 section as a traffic violation against the person for the purposes of
37 establishing rates for motor vehicle liability insurance or determining the
38 insurability of the person. An insurer shall not cancel or refuse to renew
39 any policy of insurance because of the violation.

40 F. This section does not apply to:

41 1. A child subject to the requirements of section 28-907.

42 2. A person possessing a written statement from a physician or a
43 registered nurse practitioner that the person is unable for medical or
44 psychological reasons to wear a lap and shoulder belt or a lap belt.

1 3. A letter carrier of the United States postal service while the
2 letter carrier is performing the letter carrier's duties.

3 G. If a person is found responsible for a civil traffic violation
4 under this section, the person is subject to a ~~maximum~~ civil penalty of ~~ten~~
5 ~~SIXTY~~ dollars for each violation. ~~NOTWITHSTANDING SECTION 28-1554,~~
6 ~~TWENTY-FIVE DOLLARS OF EACH CIVIL PENALTY COLLECTED SHALL BE DEPOSITED,~~
7 ~~PURSUANT TO SECTIONS 35-146 AND 35-147, IN THE MOTORCYCLE SAFETY AND VEHICLE~~
8 ~~RESTRAINT EDUCATION FUND ESTABLISHED BY SECTION 28-2010 AND TWENTY-FIVE~~
9 ~~DOLLARS OF EACH CIVIL PENALTY COLLECTED SHALL BE DEPOSITED, PURSUANT TO~~
10 ~~SECTIONS 35-146 AND 35-147, IN THE EMERGENCY ROOM SERVICES FUND ESTABLISHED~~
11 ~~BY SECTION 36-2356.~~

12 Sec. 2. Section 28-2010, Arizona Revised Statutes, is amended to read:

13 28-2010. ~~Motorcycle safety and vehicle restraint education~~
14 ~~fund; administration; advisory council~~

15 A. A motorcycle safety ~~AND VEHICLE RESTRAINT EDUCATION~~ fund is
16 established consisting of monies deposited pursuant to subsection B of this
17 section ~~AND SECTION 28-909~~ and monies from gifts, grants and other donations.
18 The director of the governor's office of highway safety shall administer the
19 fund. On notice from the director of the governor's office of highway
20 safety, the state treasurer shall invest and divest monies in the fund as
21 provided in section 35-313, and monies earned from investment shall be
22 credited to the fund. Up to ten per cent of the monies in the fund may be
23 used for administrative costs. Monies in the fund are subject to legislative
24 appropriation and are exempt from the provisions of section 35-190 relating
25 to lapsing of appropriations.

26 B. Notwithstanding section 28-2004, through June 30, 2010, the
27 director of the department of transportation shall deposit, pursuant to
28 sections 35-146 and 35-147, one dollar of each motorcycle registration fee
29 collected pursuant to section 28-2003 in the motorcycle safety fund.

30 C. Subject to legislative appropriation, the director of the
31 governor's office of highway safety shall use monies deposited in the
32 motorcycle safety ~~AND VEHICLE RESTRAINT EDUCATION~~ fund pursuant to ~~SUBSECTION~~
33 ~~B OF~~ this section, after consultation with the Arizona motorcycle safety
34 advisory council, to implement and support voluntary motorcycle education,
35 awareness and other programs, including covering the cost of materials for
36 motorcycle safety, education and awareness programs.

37 D. Through June 30, 2010, the Arizona motorcycle safety advisory
38 council is established consisting of five members who have experience in
39 motorcycle safety and who are appointed by the governor for three year terms.
40 Members may be removed for cause and may be reappointed. The council shall
41 meet at least quarterly and on the call of the director of the governor's
42 office of highway safety for advice on the expenditure of monies in the
43 motorcycle safety ~~AND VEHICLE RESTRAINT EDUCATION~~ fund.

1 E. SUBJECT TO LEGISLATIVE APPROPRIATION, THE DIRECTOR OF THE
2 GOVERNOR'S OFFICE OF HIGHWAY SAFETY SHALL USE MONIES DEPOSITED IN THE FUND
3 PURSUANT TO SECTION 28-909 FOR EDUCATION AND PREVENTION PROGRAMS RELATED TO
4 VEHICLE RESTRAINTS.

5 Sec. 3. Title 36, chapter 24, article 1, Arizona Revised Statutes, is
6 amended by adding section 36-2356, to read:

7 36-2356. Emergency room services fund; use; exemption from
8 lapsing

9 A. THE EMERGENCY ROOM SERVICES FUND IS ESTABLISHED CONSISTING OF
10 MONIES DEPOSITED PURSUANT TO SECTION 28-909. THE DEPARTMENT SHALL ADMINISTER
11 THE FUND. MONIES IN THE FUND ARE SUBJECT TO LEGISLATIVE APPROPRIATION.

12 B. THE DEPARTMENT SHALL USE MONIES IN THE FUND TO PROVIDE GRANTS TO
13 HOSPITAL EMERGENCY ROOMS THAT SERVE THE MEDICAL NEEDS OF PERSONS IN ANY AREA
14 IN THIS STATE THAT IS DESIGNATED BY THE DEPARTMENT AS MEDICALLY UNDERSERVED.

15 C. MONIES IN THE FUND ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190
16 RELATING TO LAPSING OF APPROPRIATIONS.